

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
September 3, 2014

The Lake County Planning and Zoning Board met on Wednesday, September 3, 2014 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for Rezoning Amendments, PUD Amendments, and CUP Revocations.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, September 9, 2014 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Debbie Stivender	School Board Representative
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4

Members Not Present:

Kathryn McKeeby, Secretary	District 1
Donald Heaton	Ex-Officio Non-Voting Military
Ted DeWitt	District 2

Staff Present:

Chris Schmidt, Manager, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Melving Isaac, Planner, Planning & Community Design Division
Rick Hartenstein, Senior Planner, Planning & Community Design Division
Donna Bohrer, Office Associate, Planning & Community Design Division
Erin Hartigan, Assistant County Attorney
Ellie McDonald, Clerk, Board Support
Seth Lynch, Engineer II, Public Works

Chairman Paul Bryan called the meeting to order at 9:15 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance, and Ms. Stivender gave the invocation.

Mr. Bryan explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending a favorable action on those without further discussion or public comment and that they were considered noncontroversial. He added that those who wish to speak on any of the cases on the Consent Agenda would fill out a card to do so and might result in that case being moved to the Regular Agenda. He stated that they were a recommending body, and the Board of

County Commissioners would have final authority on those cases at their next meeting on September 23, 2014. He also mentioned that all of the items that day were on the Consent Agenda. He called for any public comment, but no one wished to address the board.

TABLE OF CONTENTS

Agenda Updates

Consideration of Minutes August 6, 2014

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	PH# 24-14-2	East Town Center CP Rezoning
Tab 2	PH# 25-14-1	Powers Property Rezoning
Tab 3	CUP# 14/9/1-5	Village Pet Spa
Tab 4	LPA# 14/9/3-3	Jackson Small Scale Amendment (Adoption)
Tab 5	LPA# 13A/8-2T	Economic Development Overlay District (Transmittal)

VII. Postponements

LPA#14/9/2-3	CR 473 Minor Commercial Corridor
LPA#14/9/1-4	Heritage Green

Other Business

Adjournment

MINUTES

MOTION by Tim Morris, **SECONDED** by Rick Gonzalez to **APPROVE** the Minutes of August 6, 2014 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Stivender, Morris, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 5-0

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Division of Planning & Community Design, stated that they received a speaker card regarding Tab 3, and staff would recommend that Tab 3 be pulled and presented. He noted that the remaining cases on Tabs 1, 2, 4 and 5 remain on Consent.

The Chairman stated that they had two listed postponements and asked if they required Board action or were they already staff postponed.

Mr. Greene responded that those items were postponed by staff and listed for informational purposes only.

CONSENT AGENDA

Mr. Gonzalez suggested regarding Tab 2 that staff in the future look at the present use of a particular property and make sure it is covered in whatever proposed ordinance is before the board, because a lot of work went into having to bring this back before the board because of an oversight that the existing use of the property was not included in the ordinance. He asked regarding Tab 1 why the uses were not in the original ordinance.

Mr. Greene responded that often happens in some of the older ordinance, Staff reacts to the application information provided to them, and he believed there was a new tenant who is proposing a new use that was not specified in the old ordinance.

Mr. Gonzalez asked whether the laws have changed since 2001, and he opined that a public shopping center should already have a veterinary clinic and all those other uses.

Mr. Greene replied that they have to update the ordinance if it was a planned zoning district, and the use is not specifically stated in that particular ordinance, when a new tenant or vendor comes in with a new use.

Mr. Bryan elaborated that they used CP zoning a lot at that time to limit and control the type of uses, although he did not think that is done anymore, but it is now used with C1 and C3 uses rather than specific uses.

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	PH# 24-14-2	East Town Center CP Rezoning
Tab 2	PH# 25-14-1	Powers Property Rezoning
Tab 4	LPA# 14/9/3-3	Jackson Small Scale Amendment (Adoption)
Tab 5	LPA# 13A/8-2T	Economic Development Overlay District (Transmittal)

MOTION by Debbie Stivender, seconded by Tim Morris to APPROVE the Consent Agenda which includes Tab 1, 2, 4, 5 and Tab 3 has been moved to the Regular Agenda.

FOR: Stivender, Morris, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 5-0

TAB 3 – CUP # 14/9/1-5

Mr. Melving Isaac, Planner, Planning & Community Design Division, presented Agenda Item No. 3, CUP # 14/9/1-5, Village Pet Spa. He stated that the applicant is Ms. Marcia L. Gosline, and the property is approximately 5 acres and is located in the Lady Lake area west of Rolling Acres Road. He noted that the existing use and zoning of the property is Agriculture and the future land use is Urban Low, and the applicant is requesting to amend the existing kennel Conditional Use Permit (CUP) to add another kennel building to house 40 additional dogs and cats for a total of 80 animals. He related that the existing CUP Ordinance #2010-50 will be rescinded and replaced with a new proposed CUP Ordinance, and the kennel has been in operation for about ten years. He recapped that in 2010 the Lake County Board of Adjustment (BOA) granted a variance from the Land Development Regulations (LDR) to allow a setback of less than 200 feet from the east property line and from the north easement, and after approval of the CUP in 2010, the property obtained site plan approval in 2011, and he displayed that plan. He added that the existing kennel building obtained Certificate of Completion from the Building Department in 2010, and in 2013 the property changed ownership. He explained that the request is for an additional kennel consistent with the Comprehensive Plan which allows animal specialty services in the Urban Low Density Future Land Use Category with the issuance of a CUP. The request is consistent with the LDR which allows kennel uses in the Agricultural Zoning District with the issuance of a CUP. He added that a condition has been included in the proposed ordinance which would require the new kennel building to be soundproofed, and the existing and proposed CUP ordinance would limit the use of the play area located adjacent

to Rolling Acres Road to two days, which were Tuesday and Thursday, and allows a maximum of five (5) dogs at any time with certain hours of operation for outside activities. He mentioned that staff is requesting a small change in the ordinance which was brought by the adjacent property owner to the south, to eliminate the wording "west side" just for a clarification on page 2 of the ordinance. He pointed out that the proposed CUP is consistent with the Comprehensive Plan and LDRs, and the staff is recommending approval with conditions of this CUP request.

Mr. Bryan asked whether he did a site visit and whether he noticed any comments after doing the site visit.

Mr. Isaac responded that during his site visit from the previous CUP and this application, everything was in order, and the dogs barking from the inside could not be heard from the outside. He added that the only noise that could be heard is from the cars, and he did not see anything abnormal.

Mr. Gonzalez asked when was the last time he was out there.

Mr. Isaac replied that the last visit was on August 21, 2014.

Mr. Bryan asked whether the original ordinance limited five dogs as well on the front play area or did he increase that since they have increased the number they have asked for to 80.

Mr. Isaac answered that was kept the same in the proposed ordinance, since they take into consideration the concerns from the adjacent neighbors, and they would limit the days and hours they would have the dogs outside and in the front play area.

Ms. Marcia Gosline, the applicant, stated that she is one of the owners along with her husband Ed Livingston, her sister Becky Williams and her brother-in-law, Gary Williams. She related that she purchased the property August 1, 2013 after she had boarded her dog there under the previous ownership for many years and saw an opportunity to have a really nice facility to service the pet owners in Lake County, Sumter County, Marion County, and surrounding areas. She commented that they like to think that they have been very good neighbors to the property, noting that they have cleaned it up and put extensive time and financial assets into making it a first-run kennel for dogs and cats. She presented photographs of the property as it related to how this new kennel will fit into the existing land as well as some letters from some of their customers stating that there is a need. She also introduced Mr. Paul Caruso of Corbin Construction who will be building the kennel pending approval and wanted to be involved in this to see what is involved in this process as far as soundproofing and any other requirements. She assured the board that they did a great deal of due diligence before they bought the property, and she commented that the Lake County staff has been helpful in providing her with what she needed to go forward by the book.

Ms. Gosline mentioned that they made some upgrades to the front of the facility so that it looks nice and welcoming, and she explained that they have a required buffer zone of the

landscaping to try to keep the noise down from the road and likewise any noise from the kennel to the neighbors. She showed a view of the play area and assured everyone that any concerns about the play area being turned into possibly a dog park is not anywhere on their radar, and it is just an area where dogs can run. She assured everyone that their sign is not lit, since their hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m. and Saturday and Sunday from 2:00 p.m. to 5:00 p.m. She showed where the proposed kennel would be located and emphasized that it would not be visible from the street. She related that their plan is to continue to have all the dogs and cats still processed through the same reception area and out through the existing kennel and walkway which would be buffered with a more secure, solid fence put up with some type of awning to corral the dogs back into the new area in order to alleviate the noise. She showed a visual of the "busy area" where the dogs go out in the back play area to do their business and to stretch. She explained that the proposed kennel would be in the back area, and all the trees on the back side are along the north side of the property where the access road is that goes back to another house. She commented that the access road along the north side would be more affected by the kennel, but they would keep the tree line there, and there would be no reason to have a road or driveway back there.

Ms. Stivender asked whether all of the access and public access to her property is off of Rolling Acres Road.

Ms. Gosline answered that it will continue to be the same driveway accessing it, and she added that they do not anticipate a big onset of cars coming and going, because their hours of operation are such that people can pick up and drop off, although they cannot control it.

Ms. Stivender commented that Rolling Acres is a busy road.

Ms. Gosline explained that they have customers come along in front of the residence before they come into the kennel, because the exit is bordered with two very large trees and really very dangerous for cars to come in and try to turn in there, so it is clearly marked "exit."

Ms. Stivender clarified that she has a staging lane of sorts on her property to come in and go out.

Mr. Bryan opened the public hearing.

Mr. Andrew Mayo, who owns the property directly south of the subject property, stated that he has owned his property for 31 years and is in the process of planning to build a primary residence on the property. He commented that whenever he visits the property, he is disturbed by the noise that comes from the applicant's kennel as it currently exists, and the applicant is requesting to increase it from 40 to 80 dogs as well as building an additional structure. He requested some amendments to the CUP based on his concerns that will allow him to enjoy his property and permit the applicants to be successful in their kennel business. He stated that his past dealings with the kennel on this issue were with the prior owner, commenting that he met Ms. Gosline just prior to her presentation today. He commented that they are doing a very good job there, but his concern is the possibility of being affected

by irresponsible future owners. He displayed a plat of his property consisting of ten acres directly south of the applicant's property. He explained that his concerns are primarily about what the play area will consist of and where their expansion will be and presented a slide presentation showing how they have changed in size and definition in his opinion since the original CUP and this CUP. He also expressed strong concern about noise mitigation for the play areas, although the kennels are soundproof. He recapped that the prior owner actually illegally ran a kennel at that location for seven years and had to apply for a variance and a CUP as a result of a Code Enforcement violation. He added that she was finally in compliance with the CUP in 2012, with a restriction on the front play yard of only five dogs at a time and only on Tuesdays and Thursdays. He noted that the gravel play yard on the right has actually gotten larger, and the dimensions of the play areas have changed as well and is now basically split in two, although that was done by the prior rather than the current applicant. He noted that the prior applicant made that gravel play area larger and actually did the splitting. The other concern he had is that there were no restrictions on where play areas can be placed and how large they can be. He also requested that a "Play Area" should be defined and proposed some language for that, and he opined that any change in size to an existing play area or the addition of a new play should require an additional CUP. He then asked for soundproof fencing around the gravel play area and the front play area or soundproofing around the perimeter of the property to deal with the issue of noise coming from the play areas as well. He presented a slide showing an image of a soundproof fence along the west and south perimeter, and he suggested soundproofing both of the play areas as an alternative. He pointed out that the very large play area along Rolling Acres as well as the gravel area does not have any soundproofing.

Mr. Bryan assured him that technically his concern about play areas just popping up on the property is covered, because the applicant is limited to just what is approved on the site plan. He asked Mr. Mayo how his property is zoned.

Mr. Mayo stated that his 10-acre property is zoned the same as the applicant's, which is agricultural.

Mr. Bryan commented that agricultural zoning allows a lot of rather intensive uses.

Mr. Mayo commented that he would be affected by the kennel use when he decides to build his home.

Mr. Bryan closed the public hearing and gave the applicant a chance for rebuttal.

Ms. Gosline reiterated that they were trying to be good neighbors and making sure that the sound is not disturbing. She pointed out that fencing the whole property would be cost prohibitive, especially given the zoning does not really call for it. She assured everyone that they clearly understand the restrictions of the play area in the front and noted that is not where they take the dogs for their four times a day busy time, since they are taken out through a secured way out the back in the fenced gravel area. She added that they would like to fence that in, because they have a residence on the north of this property too.

Mr. Bryan asked what the size of that area is.

Ms. Gosline answered that she believed it is about 40 feet x 60 feet.

Mr. Bryan commented that is double the size of the kennel, which would double the impact in that area because twice as many dogs would be utilizing it. He asked whether it is feasible to fence that area.

Ms. Gosline responded that one side of it is the back of the building and that they plan to fence the side that faces north. She explained that the west side would be where the new kennel would be; the north side is all tree lined along the access road, so they are probably really only fencing two sides, which were half of the back and then the north side, and she indicated that she would be agreeable to putting up a solid fence on that.

Mr. Bryan commented that soundproofing that would solve most of the concern of noise abatement.

Ms. Gosline also pointed out that they would not need to fence the side she showed on the plat, because of the trees that heavily line this access road.

Mr. Bryan closed the discussion of the Board and staff at this time, and he asked Mr. Isaac whether he believes it is necessary to require some type of soundproof fence along a couple of boundaries of the gravel play area.

Mr. Isaac indicated that there was no evidence that noise is coming from the activity of the operation of the kennel, and he pointed out the property owned by Mr. Mayo, also noting the properties that were vacant. He displayed the concept plan and opined that the requirements in that plan would be enough to control the noise coming from that play area, especially since it is only used for the dogs to briefly use for their necessities.

Mr. Bryan noted that the vacant properties may be developed at some point, and so he believed it would be wise to address some of the noise abatement now.

Ms. Stivender made a motion to approve the Ordinance CUP 14/9/1-5 adding and clarifying that under b (2) of the existing Ordinance anything that changes from the site plan that is approved here would be a violation, and the neighbors could contact the County. Also, that the applicant was agreeable to add fencing where there is not a brick wall, where the kennels are themselves, which is on the west side, east side and south side per shown on the site plan as proposed by staff and applicant.

MOTION by Debbie Stivender, seconded by Tim Morris to APPROVE Case #CUP 14/9/1-5 Village Pet Spa. The approval and motion is amended to reflect to add Item b (2) that if there are any changes in this existing site plan, it is a violation subject to Code Enforcement and also to delineate on the site plan those three areas in red that some form of fencing will be provided along those areas.

FOR: Stivender, Morris, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 5-0

OTHER BUSINESS

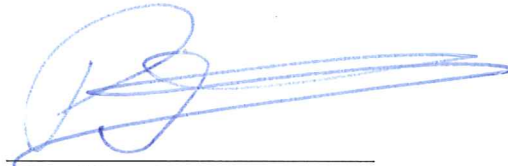
Mr. Bryan announced that Mr. Ted DeWitt has resigned from the Planning & Zoning Board and believed that the BCC will act sometime in the near future to replace him.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:04 a.m.

Respectfully submitted,

for Susan Bayajm
Ellie McDonald
Clerk, Board Support


Paul Bryan
Chairman